IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 4070 of 2005

Between:

Church of South India High School, Karimnagar, Church of South India Upper Primary School, Jagityal, Karimnagar District. Rep. by its Correspondent, Rep. Rev.S. John Theodore, age 52 Years, Bhishop and
Chairman of Diocese Education Committee, Church of South India, Diocese of Karimnagar, Karimnagar District.

..... PETITIONER

AND

1 Government of Andhra Pradesh Education (S.E) Department, Rep. by its Principal Secretary to Government,
Secretariat, Hyderabad.
2 Commissioner of Director of School Education, Andhra Pradesh, Hyderabad.
3 District Educational Officer, Karimnagar, Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate order or direction declaring the action of the Respondents in issuing the D.O.Lr.No. 12080/COSE/A2/2004-4 Dt. 20-10-2004 issued by the 1st Respondent and consequential Letter Rc.No.2452/E6/2004 Dated 30-11-2004 by not allowing the petitioner to conduct tests and interviews for filling up the vacant posts in the petitioner's schools as illegal, arbitrary consequently declare that the petitioner is entitled to conduct tests and interviews for filling up of the vacant aided posts in the Petitioners schools i.e. C.S.I. High School, Karimnagar and C.S.I.U.P.S Jagityal, Karimnagar District in view of the Judgment of this Honourable High Court in W.P.No.22188 of 2004 Dated 09-12-2004 and pass such other or orders as this Hon'ble Court may deem fit and

proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.AMARENDER RAJU

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

O R D E R :

1. This writ petition is filed by Church of South India High School, Karimnagar with a prayer to issue a Writ of Mandamus or any other appropriate direction declaring the action of respondents in issuing D.O.Letter No.12080/COSE/A2/2004-4, Dated. 20-10-2004 issued by R1 and consequential letter Rc.No.2452/E6/2004, dated 30-11-2004. The management of the petitioner-schools has addressed a letter to the R3 requesting to permit to fill up the recruitment vacant aided teaching and non-teaching posts in the petitioner-schools and R3 has accorded permission to the petitioner-schools through proceedings in Rc.No.2452/E6/2002, dated 8.10.2003 and directed the Correspondent of the petitioner-schools to fill up the vacant aided posts. In pursuance of the permission the management of the petitioner-schools has issued a notification in newspapers i.e. Vartha and Andhra Jyothi on 18.11.2003 calling for applications from eligible candidates to fill up the vacant aided posts. Subsequently the Correspondent of the petitioner-schools has requested R3 to fix the date for test, date of interview and a selection committee for conducting tests as per G.O.Ms.No.1, Education, dated 1.1.1994. R3 permitted the management of the petitioner-schools to conduct written test and personal interview on 16-6-2004 to fill up the five existing vacancies i.e. School Assistant-Maths (Telugu Medium –1 post), Secondary Grade Teacher posts (Telugu Medium – 2 posts) for C.S.I. High School, Karimnagar, Record Assistant (1 post) and Attender (1) post and for CSI., U.P.S. Jagityal 4 posts fallen vacant i.e. SGT (Telugu Medium 3 posts), Hindi Pandit Grade II (1 post). However, the said process was postponed due to hospitalization of one Dhanaraju, Correspondent of C.S.I. U.P.S. Jagityal for heart problems. The management of the petitioner-schools addressed a letter on 14-6-2004 to R3 requesting him to pass postponement orders of selection process due to

hospitalization of the aforementioned correspondent. Again on 5.11.2004 the management of the petitioner-schools addressed a letter to R3 to permit the management of the petitioner-school to conduct tests and interviews preferably on 21.11.2004 or 22.11.2004. While so, R3 issued proceedings in Rc.No.2452/E6/2004, dated 30-11-2004 imposing a ban for recruitment. Questioning the proceedings in Rc.No.2452/E6/2004, dated 30-11-2004 which was based on Government Memo No.12080/COSE/A2/2004-4, dated 20-10-2004, this writ petition is filed.

2. Heard learned counsel for the petitioner-School and Government Pleader for Education for the respondents.

3. Learned counsel for the petitioner submits that memo under challenge came to be questioned by some other school management in W.P.No.22188 of 2004 wherein it was clarified that the said memo was not applicable to the clearance given to the management prior to that date.

4. Since the recruitment process has been commenced even prior to the issuance of the memo dated 20-10-2004 the R3-District Educational Officer, Karminagar cannot take shelter under the said memo and stall the selection process of the posts notified. This issue is squarely covered by a decision of our High Court in W.P.No.22188 of 2004. Accordingly, this writ petition is allowed and respondents are directed to take necessary steps to fill up the vacant aided posts in the petitioner-school. No costs.

Dt: 9th June, 2005. (B.Seshasayana Reddy,J)

CC one week

Tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary to Government, Government of Andhra Pradesh
Education (S.E) Department, Secretariat , Hyderabad.

2 Commissioner of Director of School Education, Andhra Pradesh, Hyderabad.
3 District Educational Officer, Karimnagar, Karimnagar District.

4 Two copies to Government Pleader for Education, High Court Buildings, Hyderabad.

5 2 CD copies